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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

CASE NO. CR01-229 TSZ

11  
12 Plaintiff,

13 v.

PROPOSED FINDINGS OF  
FACT AND DETERMINATION  
AS TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

14 CARLOS CARMILLIO NIZ,

15 Defendant.  
16

17 INTRODUCTION

18 I conducted a hearing on alleged violations of supervised release in this case on  
19 September 5, 2006. The United States was represented by Robert Westinghouse. The  
20 defendant was represented by Robert Leen. The proceedings were recorded on disk.  
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22 CONVICTION AND SENTENCE

23 Defendant had been convicted of Conspiracy to commit Bank Fraud on or about  
24 January 11, 2002. The Hon. Thomas S. Zilly of this court sentenced Defendant to 30  
25 months of confinement, followed by 3 years of supervised release.

26 The conditions of supervised release included requirements that defendant comply  
27 with the standard 13 conditions.  
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DEFENDANT'S ADMISSION

USPO Jennifer Tien for Monique Neal alleged that Defendant violated the conditions of supervised release in the one respect:

- (1) Using marijuana on or before September 16, 2005, December 6, 2005, February 17, 2006, and August 3, 2006, in violation of standard condition number 7.

At today's hearing, I advised the defendant of the charge and of his constitutional rights. Defendant admitted the violation, waived any hearing as to whether it occurred, and consented to having the matter set for a disposition hearing before the Hon. Thomas S. Zilly.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged and set the matter for a disposition hearing.

Defendant will be released on bond pending a final determination by the court.

DATED this 6<sup>th</sup> day of September, 2006.



MONICA J. BENTON  
United States Magistrate Judge

cc: Sentencing Judge	:	Hon. Thomas S. Zilly
Assistant U.S. Attorney	:	Robert Westinghouse
Defense Attorney	:	Robert Leen
U. S. Probation Officer	:	Monique Neal